

**Notice of Allowability**

Application No.

10/526,391

Examiner

LaTanya Bibbins

Applicant(s)

GIDON ET AL.

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment (request for reconsideration) filed on 31 January 2007.
2. ☒ The allowed claim(s) is/are 18-34 (to be renumbered as 1-17).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 18-34 (to be renumbered 1-17) are allowed.
2. The following is an examiner's statement of reasons for allowance:

**Regarding claims 18-34**, none of the references of record, alone or in combination, suggest or fairly teach a data recording device comprising micro-tips and a recording medium comprising a substrate whereon there is arranged a resistive layer, said resistive layer being covered by an active layer able to switch from a first electrical resistivity value to a second electrical resistivity value due to the action of a voltage applied between the micro-tips and a counter-electrode, device wherein at least one resistive element made of carbon is arranged between the active layer and the micro-tips, **the resistive element having a controlled electrical resistivity comprised between the first and second electrical resistivity values of the active layer** in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Citation of Relevant Prior Art*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Zahorik (US PGPub 2002/0006735 A1)** discloses an integrated circuit memory cell having a small active area.

**Kuroda et al (US Patent 5,751,686)** disclose a scanning probe tip covered with an electrical resistance to limit recording/reproducing current.

**Hintz (US Patent 5,353,268)** discloses a thermomagnetic recording system employing a medium having a high storage density and a direct-overwrite capability.

**Ovshinsky et al. (US Patent 5,335,219)** disclose a method for fabricating directly overwriteable memory elements.

**Kawade et al. (US Patent 5,072,116)** disclose a microprobe preparation method.

**Wickramasinghe et al. (US Patent 6,757,235)** disclose an assembly for reading data based on thermal coupling.

**Yoshimura et al. (US Patent 5,402,410)** disclose a high-density storage of information on a substrate with multiple depth and height.

**Chen et al. (US PGPub 2002/0172072 A1)** disclose a molecular memory system that includes a protective layer that is disposed over a molecular recording layer.

**Wicker (US PGPUb 2004/0113192 A1)** discloses a phase change memory and a method to manufacture a phase change memory.

**Saluel et al. (US Patent 6,392,934 B1)** disclose a method for reading and writing a data storage medium comprising a material with a succession of zones having a first and second physical state respectively.

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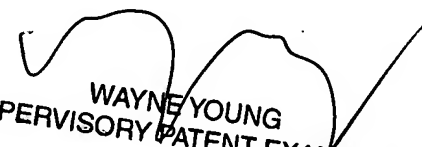
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaTanya Bibbins whose telephone number is (571) 270-1125. The examiner can normally be reached on Monday through Friday 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
LaTanya Bibbins

  
WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER